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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re DAMIAN J., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

DAMIAN J.,

Defendant and Appellant.

D055373

(Super. Ct. No. J221412)

APPEAL from a judgment of the Superior Court of San Diego County, Amalia L. Meza and Dwayne K. Moring, Judges. Affirmed.

The juvenile court declared 14-year-old Damian J. a ward of the court (Welf. & Inst. Code, § 602) after it sustained allegations that he evaded a police officer in willful or wanton disregard for the safety of persons or property (Veh. Code, § 2800.2 , subd. (a)), a felony; possessed a weapon commonly known as a "billy" or baseball bat (Pen. Code, § 12020, subd. (a)(1)), a misdemeanor; drove a vehicle without a driver's license (Veh.

Code, § 12500, subd. (a)), a misdemeanor; drove a vehicle recklessly (Veh. Code, § 23103, subd. (a)), a misdemeanor; and vandalized school property (Pen. Code, § 594, subds. (a), (b)(2)(A)), a misdemeanor. Subsequently, the court determined the maximum term of confinement to be three years ten months. The court placed Damian on probation, conditioned on, among other things, he serve 40 days of public work service and complete a juvenile reckless behavior program. Damian was 13 years old at the time of the offenses.

FACTS

On the evening of September 25, 2008, Chula Vista Police Sergeant John Stires observed a blue Nissan Quest minivan make an unsafe lane change in the downtown area of Chula Vista. Inside the van were Damian and two other minors. Stires, who was in a marked patrol vehicle, activated his emergency lights in an unsuccessful effort to signal to the driver of the Quest to pull over. The driver of the Quest sped through a Costco and Wal-Mart parking lot with Stires and an officer in another marked police vehicle in pursuit.

More marked patrol vehicles joined the pursuit, which went on for 14 miles and at one point included a portion of Interstate 5. The Quest ran several stop signs and red lights; Stires documented 12 traffic violations during the pursuit.

At one point, Stires allowed Officer Edward Tugashov of the K-9 unit, who was driving a marked vehicle, to take the lead position in the pursuit. Eventually, the Quest stopped after it suddenly swerved to the right and went over a curb. At the time the

Quest, which almost crashed into a chain-link fence, had been traveling at a speed of 45 to 50 miles per hour.

Damian was the first of the three youths to exit the van from the driver's side door. Tugashov found three baseball bats and a small kitchen knife inside the Quest. One of the bats had gang-related graffiti on it. Another bat had a partially bent nail inserted in it.

Testifying in his defense, Damian said one of the other minors, Jorge, was driving the Quest when police attempted to pull the vehicle over. Jorge thought he would be able to lose the police, and, when he failed to do so, he asked Damian or the other boy to take over driving. Damian said he took the wheel at the end to stop the van. However, at the scene, Damian told police that he was the driver during the entire pursuit.

Damian testified that he knew the baseball bats were in the Quest.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable, issues: (1) whether substantial evidence supported the court's finding that Damian was the driver of the Quest evading police and driving recklessly; and (2) whether substantial evidence supports a finding that Damian was in possession of a "billy."

We granted Damian permission to file a brief on his own behalf. He has not responded.

A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no other reasonably arguable appellate issue. Competent counsel has represented Damian on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

BENKE, J.

McDONALD, J.